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Case No.: 55870US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: MROZINSKI, JAMES S.

Application No.: 09/876704

Confirmation No.: 9401

Filed: June 7, 2001

Title: GEL-COATED OIL ABSORBING SKIN WIPES

REPLY TO THE EXAMINER'S ANSWER

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June 20, 2007

Date

Signed by: Irina Hass

Dear Sir:

This is in response to the Examiner's Answer, dated May 4, 2007, in the above-identified application.

Fees

- ☐ Any required fee will be made at the time of submission via EFSWeb. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.17 which may be required to Deposit Account No. 13-3723.
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REMARKS

Applicants will limit comments to the response to arguments section of the Examiner's Answer.

Regarding the 35 U.S.C. 102(e) rejection based on Matsuo relative to claims 1, 4-7, 13-15, 18-20, 23-25, 29, 30, and 39-44.

The examiner refers to col. 5, line 59 to col. 6, lines 1-28 in providing additional support of the examiner's position that Matsuo et al teaches an active layer formed of a film-forming polymer.

This passage in Matsuo et al refers to the nonwoven material forming the "liquid retention layer 2". The mention of polyurethanes and polyesters are of polymers that can form the fibers of the nonwoven "liquid retention layer". Applicants claim 1 et al. recites a "flexible coating ..." covering the porous substrate second face". If the examiner is reading the term "coating" to encompass a nonwoven fabric adhesively laminated to an absorbent layer it is submitted that this is an interpretation of the term "coating" beyond the broadest reasonable interpretation of the term, as well as inconsistent with the term's use by applicants. Applicants do not contest that in some cases polyurethanes and polyesters are film forming polymers, but that does not make fibers formed of these polymers a "coating" as claimed by applicants.

Regarding the 35 U.S.C. 103(a) rejection based on Matsuo et al. in view of Hansen et al. and Kondo et al.

Again it appears that the basis of this rejection is the examiner characterization of a nonwoven fabric adhesive laminated to the absorption layer as a "coating". Applicants do not understand the basis of the rejection if the statement above is not correct. However assuming this statement is correct this interpretation of the term "coating" is not consistent with any reasonable interpretation of this term even without regard to its usage by applicants. The interpretation of a nonwoven as a coating is an interpretation that is not a broad reasonable interpretation of this term or consistent with applicants use of the term in the specification. Applicants are unaware of any instance in which the term coating has be used to encompass nonwoven fabrics, it is not interpretation that one skill in the art would ever adopt.

The reference to col. 7, lines 10-33 in the responsive section of the reply brief discusses a "liquid impermeable layer 3" which is different than the nonwoven "liquid retention layer 2".

This is a film layer. There is no relation or the "liquid impermeable layer 3" to the nonwoven "liquid retention layer 2" and no possible basis for combining the teachings of these two disparate passages as suggesting by the Examiner's answer as together teaching a coating as claimed by applicants.

Regarding the 103(a) rejection of claim 1, 4-9, 12-15, 18-33, 35-53 and 55-72. Kondo et al. in view of Sagiya et al.

The Examiner's reply points to col. 2, lines 55-68 of the secondary reference Sugiyama. This passage teaches coating a solution of a bactericide onto a tissue. The term "coating" is used as a verb not a noun, which refers to the technique used to apply the bactericide but what is desired is that all that is left on, of in, the tissue is the bactericide after evaporation of the solvent carrier. Optionally the document states that a sizing agent could be used in the solution, which would leave on a surface of the tissue a small amount of this sizing agent (0.1 to 2 by weight) but this does not constitute a "film forming polymer" "coating", with an additive within the coating on an oil absorbent wipe material where the coating does not penetrate to the opposite side of the oil absorbent wipe material. In fact, in the very passage referred to in the Examiners Answer the Sugiyama et al. reference specifically states: "The coated bactericide-containing solution penetrates to the other side of the sheet and remains at both the front and (r)ear side of the sheet". A more direct and clear teaching away from the claimed coating could not be imagined.

In view of the above, it is submitted that the rejections should be reversed in their entirety and application be placed in condition for allowance.

Respectfully submitted,

June 20, 2007

Date

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